

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

FILED
CLERK OF COURT

JUN 22 2005 12:56

NORFOLK FINANCIAL CORP.

Plaintiff,

OUSLEY FINANCIAL GROUP LLC

Defendant.

Civil Action No.:
05 10941 RCL

DEFENDANT'S MOTION TO EXTEND TIME TO RESPOND TO COMPLAINT

Defendant Ousley Financial Group LLC hereby moves pursuant to Fed.R.Civ.P. 6(b) that the time within which it must answer or otherwise respond to the plaintiff's Complaint and Jury Demand be extended to and including July 27, 2005. As grounds for this motion, the defendant states as follows:

1. The Complaint was filed on or about May 6, 2005.
2. After receiving the Complaint by mail, counsel for the defendant contacted plaintiff's counsel to request an extension to respond through and including June 27, 2005. Counsel for the plaintiff assented to that request.
3. Since that time, the defendant has worked diligently in reviewing the facts and has engaged in dialogue with the plaintiff regarding the merits of the suit. In order to continue that dialogue without incurring the time and expense of litigation, the defendant hereby requests an additional thirty (30) days to answer or otherwise respond to the Complaint.

4. Counsel for the plaintiff has informed undersigned counsel that he will not file an objection to this motion.

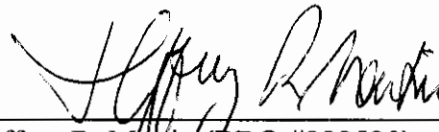
5. The requested extension is reasonable and the allowance of this motion is in the interests of justice because the additional time will allow the parties to continue their discussions and thereby possibly avoid incurring unnecessary litigation expenses.

6. By filing this motion and the accompanying appearance, the defendant does not waive any defenses available under Fed.R.Civ.P. 12(b), including lack of personal jurisdiction, improper venue or failure to state a claim upon which relief can be granted.

WHEREFORE, the defendant Ousley Financial Group LLC respectfully requests that this motion be granted and that the time to answer or otherwise respond to the Complaint and Jury Demand be extended through and including July 27, 2005.

Respectfully submitted,

OUSLEY FINANCIAL GROUP, LLC.
By their attorney,




Jeffrey R. Martin (BBO #322520)
BURNS & LEVINSON LLP
125 Summer Street
Boston, MA 02110
617-345-3000

Dated: June 21, 2005

CERTIFICATE OF SERVICE

I, Jeffrey R. Martin, Esquire, hereby certify that on this 21 day of June, 2005, I served a copy of the foregoing by mailing first class, postage prepaid, to:

John J. O'Connor, Esq.
Peabody & Arnold LLP
30 Rowes Wharf
Boston, MA 02110



Jeffrey R. Martin

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